

The claimant filed a motion praying that the court refrain from entering a decree or stay such entry in order that the goods be destroyed, thus obviating the necessity of entering the decree. This motion was argued on December 11, 1951, and was denied. On the same date, the court made its findings of fact and conclusions of law and entered a decree condemning the product and ordering its destruction, with the provision that the marshal should not destroy the goods before December 21, 1951. Prior to the expiration of this date, the claimant filed a motion for a new trial. This motion was argued on January 24, 1952, and was denied. Thereafter, the goods seized at Cincinnati, Ohio, were destroyed, and those seized at Detroit, Mich., were delivered to a Federal penal institution, for use as animal feed.

18761. Adulteration of egg noodles. U. S. v. 37 Cases * * *. (F. D. C. No. 32652. Sample No. 35757-L.)

LIBEL FILED: February 6, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 9, 1951, by the Chicago Macaroni Co., from Chicago, Ill.

PRODUCT: 37 10-pound cases of egg noodles at Columbus, Ohio.

LABEL, IN PART: "Wide Folded Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hairs.

DISPOSITION: March 20, 1952. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS

18762. Adulteration of rice. U. S. v. 47 Bags * * *. (F. D. C. No. 32634. Sample No. 48237-L.)

LIBEL FILED: January 29, 1952, Northern District of Iowa.

ALLEGED SHIPMENT: On or about September 17, 1951, from Stuttgart, Ark.

PRODUCT: 47 25-pound bags of rice at Waterloo, Iowa, in possession of the Iowa Warehouse Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 4, 1952. Default decree of condemnation. The court ordered that the product be sold or delivered to an institution, for use as animal feed.

18763. Adulteration of wheat. U. S. v. 105,000 Pounds * * *. (F. D. C. No. 33383. Sample No. 48368-L.)

LIBEL FILED: June 6, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about May 2, 1952, from Baker, Mont.

PRODUCT: 105,000 pounds of wheat at Duluth, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice. The article was alleged to be adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 23, 1952. The Equity Coop. Assn., Baker, Mont., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing by washing and scouring, under the supervision of the Federal Security Agency. The reprocessing operations resulted in the removal and destruction of 3,550 pounds of the product as unfit.

DAIRY PRODUCTS

BUTTER

18764. Adulteration of butter. U. S. v. Benson Coop. Creamery Co. and Thomas L. Bode. Pleas of guilty. Fine of \$200, plus costs, against company; fine of \$10 against individual. (F. D. C. No. 32773. Sample No. 19105-L.)

INFORMATION FILED: June 20, 1952, Northern District of Iowa, against the Benson Coop. Creamery Co., a corporation, Benson, Iowa, and Thomas L. Bode, plant manager of the corporation.

ALLEGED SHIPMENT: On or about June 14, 1951, from the State of Iowa into the State of Illinois.

LABEL, IN PART: "The Great A & P Tea Co. New York Distributors Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the use of filthy cream in the preparation of the article.

DISPOSITION: June 28, 1952. Pleas of guilty having been entered, the court imposed a fine of \$200, plus costs, against the company, and a fine of \$10 against the individual defendant.

18765. Adulteration of butter. U. S. v. 13 Boxes (780 pounds) * * *. (F. D. C. No. 32033. Sample No. 35234-L.)

LABEL FILED: October 3, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 28, 1951, by the Brewster Creamery, from Brewster, Minn.

PRODUCT: 13 boxes, each containing approximately 60 pounds, of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter, which should contain not less than 80 percent of milk fat as provided by law.

DISPOSITION: November 3, 1951. Lewis Ebert & Sons, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be reworked to comply with the law.

CHEESE

18766. Adulteration and misbranding of Cheddar cheese. U. S. v. Don Johnson (Dwight Dairy Products Co.). Plea of guilty. Fine of \$1,000, plus costs. (F. D. C. No. 32697. Sample No. 9038-L.)

INFORMATION FILED: July 27, 1951, Southern District of Illinois, against Don Johnson, trading as the Dwight Dairy Products Co., Dwight, Ill.

ALLEGED VIOLATION: On or about August 19, 1947, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce, at